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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,831	10/01/2003	Jeffrey J. Darcy	E0295.70160US01	3775

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WOLF GREENFIELD & SACKS, P.C.
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BOSTON, MA 02210-2206

EXAMINER

BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/676,831	Applicant(s) DARCY, JEFFREY J.	
	Examiner Pierre-Michel Bataille	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1,2,4-6,10-13,18,25,26,30,35-37,42,47-52,54,55,58-62,71-77,79-82,84,85,88,93-96,98-100,102,107-111,113,115,120-124,126-129,131,132,134,139-143,145,146,148,153-158,160,161,163,168 and 169.

Continuation of Disposition of Claims: Claims objected to are 3,7-10,14-17,19-24,27-29,31,33,34,38-41,43-46,53,56,57,63,64,66-70,78,83,87,89-92,97,101,103-106,112,114,116-119,125,130,133,135-138,144,147,149-152,159,162 and 164-167.

Response to Amendment

1. The instant Office Action is taken in response to applicant's communication filed January 16, 2007 responding to Office Rejection dated October 10, 2006. Applicant's amendments and/or arguments have been considered with the results that follow.
2. Claims 1-169 are pending in the application under prosecution.

Response to Arguments

3. Applicant's arguments with respect to the rejection(s) of claim(s) 1-3, 14-16, 21-25, 30-45, 48-57, and 60-68 under 35 U.S.C. 102(b) as being anticipated by US 5,664,170 (Taylor) and under 35 U.S.C. 102(b) as being anticipated by US 5,924,115 (Von Herzen et al), been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,957,294 (Saunders et al).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 10-13, 18, 25-26, 30, 35-37, 42, 47-52, 54-55, 58-62, 71-77, 79-82, 84-85, 88, 93-96, 98-100, 102, 107-111, 113, 115, 120-124, 126-129, 131, 132, 134,

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139-143, 145-146, 148, 153-158, 160-161, 163, and 168-169 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,957,294 (Saunders et al).

With respect to claims 1, 25, 47, 71, 76, 93, 107, 122, 139, and 153, Saunders teaches a method for use in a computer system including a plurality of host computers including a root host computer and at least one child host computer, the root host computer having a volume of storage available to it that is stored on at least one non-volatile-storage-device, the method comprising: (A) exporting at least a portion of the volume of storage from the root host computer to the at least one child host computer so that the at least one child host computer and the root host computer share access to the volume of storage **(systems and methods, whereby a pool of global memory can be allocated among a set of client/servers so that each volume associated with a client/server is allocated a portion of cache memory in the global cache memory space; volume caching I/O statistics may be collected on an individual volume basis; e.g. client/server 10a being assigned to a separate volume than is client/server 10b and each volume having its own volume disk space, and client/server 10a and 10b sharing the same physical disk)** [abstract; Col. 2, Lines 30-42; Col. 4, Lines 34-53; Col. 3, Lines 14-36].

With respect to claims 2, 4-6, 10-13, 18, 26, 30, 35-37, 42, 48-52, 54-55, 58-62, 72-75, 77, 79-82, 84-85, 88, 94-96, 98-100, 102, 108-111, 113, 115, 120-121, 123-124, 126-129, 131, 132, 134, 140-143, 145-146, 148, 154-158, 160-161, 163, and 168-169 being dependant on claim 1, correspondingly dependant claim inclusively, all remaining

cited claim limitations are considered as either being inherent in that thought by Saunders or not considered sufficient to patentably distinguish over prior art. Saunders additionally teaches the amount of memory to be used for caching the volume's input/output operations (I/Os), the cache type, the cache replacement policy, and the maximum cache I/O read size are individually settable and can be specified by volume and can be changed dynamically without stopping volume caching, the cache page size to also be specified by volume, and caching to be inactive for initial setting or any changes [Col. 4, Lines 34-53; Col. 3, Lines 14-36].

Allowable Subject Matter

2. Claims 3, 7-10, 14-17, 19-24, 27-29, 31, 33-34, 38-41, 43-46, 53, 56, 57, 63-64, 66, 67-70, 78, 83, 87, 89-92, 97, 101, 103-106, 112, 114, 116-119, 125, 130, 133, 135-138, 144, 147, 149-152, 159, 162, and 164-167 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille
Primary Examiner
Art Unit 2186